

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-41040
Issue No: 2021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 2, 2010
Oscoda County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on September 2, 2010, in Mio. The claimant personally appeared and testified.

The department was represented by Bonnie Ewald (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's February 2010 MA-P application due to excess assets (Northland Credit Union accounts)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) On February 1, 2010, claimant applied for MA-P. On the application date, the MA asset limit was \$2,000.

(2) At the time of application, claimant submitted documentation of his assets.

Claimant had a [REDACTED] with a balance of \$8,343.

(3) On February 11, 2010, the caseworker denied claimant's MA-P application due to excess assets. Proper notice was sent.

(4) On April 1, 2010, claimant requested a timely hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medicaid program provides medical insurance for low income persons. The asset policy is found in PEM/BEM 400 to determine MA eligibility; the caseworker must calculate the total value of claimant's countable assets including the value of checking accounts and annuities, trust accounts, etc. Claimant's total countable assets cannot exceed the applicable MA-P asset limit in effect on the date of application.

The current MA-P asset limit is \$2,000.

The preponderance of the evidence in the record shows that on February 1, 2010, claimant had excess assets in the form of a checking account (\$8,343 at [REDACTED]).

Based on this analysis, claimant was not eligible for MA-P benefits in February 2010, based on excess assets.

There is no evidence of arbitrary or capricious action by the department on this record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly calculated claimant's MA-P eligibility for February 2010 and correctly denied claimant's MA-P application based on excess assets (a \$8,343 [REDACTED]).

Therefore, the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 20, 2010

Date Mailed: September 21, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWS/tg

cc:

[REDACTED]